

The Salisbury Planning Board held its regular meeting on Tuesday, September 14, 2004, in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Dr. James Johnson, Lou Manning, Brian Miller, Rodney Queen, Sandy Reitz, Jeff Smith, Valerie Stewart, Rev. Jerry Wilkes, and Diane Young

ABSENT: Len Clark, Mitzi Clement, Albert Stout

STAFF: Janet Gapen, Dan Mikkelson, Diana Moghrabi, David Phillips

The meeting was called to order by Co-Chairman **Rodney Queen**, who offered an invocation. The minutes of the August 24 meeting were approved as published.

ZONING MAP AMENDMENTS

Z-13S-04 HMC Properties, LLC

LOCATION: 1229 and 1231 Statesville Blvd, on the south side of Statesville Blvd, approximately 700 feet east of Colonial Drive
Size: 9.22 acres, 4 parcels
From: R-8 – Single Family Residential
To: B-1-S – Special Office Institutional District
Parcel: 332062, 332083, 332072, 332A067

- (a) **Co-Chairman Queen** convened a Courtesy Hearing on Z-13S-04. Dr. James Johnson was removed from the Planning Board for this case due to a conflict of interest.

Janet Gapen, Planner II, made a staff presentation. Janet reviewed the uses permitted and the conditions for this B-1-S. There will be a 70' buffer strip on the southern boundary line where there will be no improvements. In that buffer strip the existing vegetation will remain undisturbed. Property adjoining this property is B-1-S. Part of this property is located in the 100-year flood plain.

Those speaking in favor of the zoning change request:

Bill Wagoner, HMC LLC, (1) The property fronts only on and is served only by a four-lane boulevard and a highway; (2) The character of the area has transitioned over the past twenty years from residential to mixed offices, multifamily and healthcare; (3) The land to the east is zoned similarly; (4) There is a natural separation between this property and the residential property to the rear. There is no right-of-way access to Milford Hills. There is a topographic separation that is part of the 100-year flood plan. The buffer that exists on the Land Trust property will continue along this property. (5) Neighborhood Policy of the *Vision 2020 Plan* speaks well to this proposal, and this development serves the transition well.

John Whitfield, 1326 Wiltshire Place, owns property in the area. He is assured that this proposal is sensitive to the residents in the area, and therefore, is in favor of this rezoning.

Those speaking in opposition to the zoning change request: None

The chairman closed the Courtesy Hearing on this case.

(b) Board Discussion

Brian Miller - given some of the reasons Mr. Wagoner pointed out, the fact that the property has little potential to develop except from Statesville Boulevard, and it is consistent with the adjacent use, Mr. Miller made a motion to accept Z-13S-04 as submitted. Diane Yong seconded the motion with all members voting AYE.

Dr. James Johnson was returned to the Planning Board.

Z-14-04 City of Salisbury – 217 S. Main Street

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| LOCATION: | Parts of the area generally located along South Main Street and bounded by Bank Street, Thomas Street, South Lee Street and South Church Street. |
| Size: | 24.9 acres – 50 parcels |
| From: | B-6 General Business |
| To: | B-5 Central Business District |

(a) **Co-Chairman Queen** convened a Courtesy Hearing on Z-14-04.

Janet Gapen made a presentation of this case that was initiated by the Planning Board in preparation for rewriting the City's Land Development Ordinance. The North Phase has been completed and approved by Council. This is the South Phase and there will be an East and West Phase, also. The area follows existing boundaries of B-6. Signs will be affected by the change. This would mean that business owners would have to change to the current standards if signs are replaced. Building could be moved up to the street right-of-way because there are no required setbacks in B-5.

Yvonne Wright, 425 S. Church Street, requested an explanation of the effect on the surrounding residential districts. Her property is in the Single Family Conservation District and would not be impacted by this change.

Lorna Medinger, 230 Rufty Circle, requested an exemption for rezoning two properties located at 531 South Main Street – Southeastern Plumbing and 419 South Main Street - City Consignment Co. She presented a history of these businesses. Both properties have outside storage. City Council had approved a text amendment to allow outdoor storage about one month ago. Janet Gapen read the new amendment and explained how it applied to these properties. City Consignment will be reviewed by the committee.

Bill Brown, 414 South Main Street, had the same concerns as did Lorna Medinger. The screening of the outdoor storage will be non-conforming until the property is sold and the business terminated.

Brian Miller suggested there is one more item the committee should look at concerning non-contractor outdoor storage use. He does not feel this will discourage any new business. There will be new flexibility for existing businesses to redevelop their site. One of the uses being removed is a tattoo parlor. He made a motion to approve Z-14-04 in its current form and for the committee to consider making a text revision concerning the outdoor storage issue. Jeff Smith seconded the motion with all members voting AYE.

GROUP DEVELOPMENT SITE PLAN

David Phillips made the staff presentations for all group development site plans.

- (a) **G-15-04** **Ro-Medical**
 1035 Lincolnton Road
 Tax Map 061-A, Parcel 010
 Zoning LOI

Mr. Kyle Davis, for KMD Construction, submitted the application for approximately 12,000 square foot second floor addition (24,686 square foot total) at the existing building located at 1035 Lincolnton Road. They will be adding street trees, additional parking and a facade change. A second dumpster will be added. Sidewalks exist on Mitchell Avenue but additional sidewalks were not required. All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval of the application, as submitted.

Public Comment

Roberts Watts, 135 Lynn Road, spoke on behalf of the tenants who are the owners of the building. The original group development plan is on hold until the re-facing and second story are completed on this building. There was an effort to give the building a residential flare and it will be a low impact on the neighborhood.

Jay Dees, 612 Mitchell Avenue, lives two blocks away from the site. The increase of the traffic to the medical park concerns the residents. He sees potential traffic impacts related to the function of driveways onto Mitchell Avenue. He preferred the appearance of the facing on a previous submittal.

Maggie Blackwell, 422 Mitchell Avenue, agreed with Mr. Dees. Fulton Heights is very protective of its residential atmosphere. She has concerns about the safety of children in the neighborhood and the pedestrian traffic, which has increased due to the YMCA location. This expansion further impacts the vehicle traffic in the area.

Kyle Davis, 1001 Old West Innes, represented KMD as the design builder. The owners have taken great care that the project will blend in with the neighborhood in regard to parking, landscaping and design. Traffic concerns were addressed previously.

Board Discussion

Diane Young requested clarification about previous discussions about right turn exits on the adjacent property and wondered why the plan is different today. David explained that it was only discussed. She is a resident of Fulton Heights and recalls the neighborhood bringing traffic concerns to the City's attention on several occasions. There is a speeding problem in the neighborhood. This should be taken into consideration when reviewing this site plan. Sandy Reitz supported Diane and added that the sidewalks should be connected.

Brian Miller is a resident of Fulton Heights and did think the facade could be better. The traffic on Mitchell Avenue could be improved with stop signs, which is not a Planning Board issue. He is in support of the business growing.

Jeff Smith agreed with Brian and wanted to review the approval of the adjacent parcel. He made a motion to send to committee to be sure the Planning Board is congruent with previous decisions related to ingress and egress.

Rodney Queen wondered about the sidewalk issue and Robert Watt said there was a continuous sidewalk on Mitchell Avenue up to the Eckerd Drug Store. He has spoken to Steve Weatherford about the city's view of the other sidewalk. NC DOT made a cut and a mess near this property, but the owners are willing to install a sidewalk if it is requested.

Jerry Wilkes seconded the motion with all members voting AYE.

- (b) **G-16-04** **Grace Worship Center**
 901 South Boundary Street
 Tax Map 018, Parcel 226
 Zoning M-1

Mr. Troy Russel, for Grace Worship Center, submitted the application for the construction of a 12,754 square foot church and parking to be located at 901 South Boundary Street. All zoning criteria have been met. The Technical Review Committee recommends approval of the application as submitted, with the two conditions from the fire department.

The fire department must have access from two sides of the building and a fire hydrant within 300 feet of the building. The drawings will be revised to reflect these two conditions.

There is a flood area on the property. There will be an undisturbed natural buffer for a visual separation.

Public Comment

None

Board Discussion

Brian Miller made a recommendation to approve G-16-04 with the two revisions or conditions required by the fire department. Diane Young seconded the motion with all members voting AYE.

- (c) **G-17-99 Olde Salisbury Phase III**
 Old Concord Road
 Tax Map 063, Parcel 008
 Tax Map 064, Parcels 001-1 & 209, Zoning RDBS

Rodney Queen was excused from the Planning Board for this case due to a conflict of interest. **Jeff Smith** acted as chairman for this case.

Mr. Rodney Queen, for Olde Salisbury, LLC, submitted the previously approved application with a change in the street design to exclude the bulb-out. The development is located off Old Concord Road. The bulb-out was originally proposed as a means of calming traffic along Chantilly Lane and as an amenity to match the bulb-out near the neighborhood entrance. The original location was approved at the intersection of Chantilly Lane and Darby Place. Prior to construction of Phase I, the bulb-out was allowed to be relocated to the phase line at the creek crossing. Recently however, the Corps of Engineers has required the creek crossing to be minimized, and they have prohibited the bulb-out at that location. Staff recommends that an alternate traffic calming/neighborhood amenity (such as a one-lane “bridge”) be proposed and submitted for review.

Public Comment

Eric Trail, 1814 Chantilly Lane, said that there is a problem with speeding on Chantilly Lane and he would like to see speed bumps installed. He thinks that school buses would have difficulty using the chicane that has been recommended.

Donald Smith owns property at 515, 516, and 517 Pearl Street and is a long-term resident. He has many concerns about the flood zone and water run-off.

Rodney Queen offered a history about the bulb-out. The Corp of Engineers dragged this issue out about \$32,000 and six-months and only came up with the solution of not doing the bulb-out. The water problems are not within this phase.

Board Discussion

David Phillips pointed out a common area around the perimeter and a 20-foot planted separation. Dan Mikkelsen discussed the fact that there is no regulated floodway related to this property.

City Engineers are not recommending speed bumps on a through street. Design directly affects how people drive through neighborhoods. There has always been a concern that the long stretch of a straight street would require a traffic-calming device. Mr. Mikkelsen used the three calming devices, or chicanes, now installed on Sunset Drive to demonstrate what could be installed in this neighborhood. The width of the road would diminish like a one-lane bridge, causing drivers to slow down. It could look like an amenity if built at this stage of development. Jeff Smith requested that staff inform the Planning Board of the distance of that stretch of road so that, in the future, members can be more aware of the potential for a speeding issue.

Brian Miller made a motion to approve as suggested with the condition that staff is to clarify the position of the school system regarding the one-lane “bridge” or traffic-calming device. Sandy Reitz seconded the motion with all members voting AYE.

Rodney Queen returned to the Planning Board.

Lou Manning excused himself from the meeting at 5:50. There was a motion to move past 6:00 p.m.

COMMITTEE REPORTS

Jerry Wilkes, Committee 3 Chair, made a thorough report on the Salisbury Village development. The committee met August 27, 31, September 2, 8, and 14. There was a great deal of compromise on both sides.

- There will be four lanes with a planted median at the entrance.
- Four-way stops at the intersection of Castlewood Drive, Hunt Blvd, unnamed street from apartment section, and entry from commercial section
- Castlewood Drive, from Jake Alexander first entry to commercial section right in/right out; second entry to commercial section right in only (no exit), island forces right turn; third entry to commercial section no entry/left out/right out, straight out.
- The Castlewood Drive buffer, on the Castlewood side, will provide a visual separation within three years and the developer has agreed to this.
 - Plan A on the site sections drawing is approved by the committee. This option keeps the height of the berm to 4 feet. All planting on the present berm will have to be removed and will be replaced by completely new plantings.
 - Landscaping package to be completed within 90 days of disturbance of the present berm-this is to be noted on site plan.
 - Maintenance of the landscape on the Castlewood side of Castlewood Drive is agreed to be done by the developer and the Salisbury Village Association.

- The installation of a traffic signal at Jake Alexander Boulevard and Castlewood Drive is entirely up to NC DOT.
- Castlewood markers at the entrance will have to be removed during construction. Comparable markers will be installed at the developer's expense.
- The natural buffer on the Castlewood side of the development has been made a consistent 35 feet (a compromise by the developer which was an increase of 75% in the buffering which had been proposed). The buffer is to be left as natural as possible; however, if under story plantings are necessary to provide visual separation, the developer will provide the necessary plantings subject to the City Ordinance.
- The clubhouse was shifted on the site, and the square footage of the clubhouse was reduced by nearly 50% (approximately 4,930 square feet).

Castlewood neighbors most affected felt that these changes were an acceptable compromise on all sides.

Jeff Smith made a motion to approve as reported by the committee. Diane Young seconded the motion with all members voting AYE.

Committee 1- Sandy Reitz, chair, met September 7 to discuss Z-12-04. The committee feels this use as a law office will be appropriate, but want to keep the front yard residential. There will be an amendment brought before City Council to "add a new Section 7.07 (c) (Following Section 7.07 (b) - Reduction of off-street parking space requirements for community centers, offices, and retail at appropriate locations and historic characteristics. Brian Miller made a motion to approve as submitted. Jeff Smith seconded the motion with all members voting AYE.

Committee 1 – North Main Small Area Study – They have an outline prepared and plan to take a site trip with staff and area residents to gather information.

Legislative Committee A (Sign Ordinance) – B. Miller, ch. The committee report included proposed language for two text amendments. Amendment "A" allows seasonal pole displays in shopping centers to advertise individual merchants on smaller, add-on banners that are 25% of the size of the larger, seasonal banner. Amendment "B" clarifies the language of the sign ordinance to prohibit unmanned airships or blimps and oversized, tethered balloons, specifically. Planning Board voted to approve these two items. The committee will continue its study of three-dimensional signs and special events signage and may return other text amendments relative to those issues at a later date.

FUTURE COMMITTEE MEETINGS

Downtown Committee – B-5 to B-6, Brian Miller, ch., will meet September 17 at 8:00 a.m. at City Hall.

Committee 2 – Ro-Medical - Brian Miller, ch., will meet September 21 at 7:00 a.m. at the hospital cafeteria. Diane Young will serve as an alternate on this committee.

Legislative Committee A - Signs – September 24 at 8:00 a.m.

First floor conference room – City Hall

There being no further business to come before the Board, the meeting was adjourned.

Co-Chairman, Rodney Queen

Co-Chairman, Jeff Smith

Secretary, Diana Moghrabi